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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/440,624	11/16/1999	YUTAKA MAEDA	0879-0244P	3184
7590 02/12/2004				
BIRCH STEWART KOLASCH & BIRCH LLP P O BOX 747 FALLS CHURCH, VA 220400747			EXAMINER WU, DOROTHY	
			ART UNIT 2615	PAPER NUMBER 8
DATE MAILED: 02/12/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/440,624

Applicant(s)

MAEDA, YUTAKA

Examiner

Dorothy Wu

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 16-19 is/are pending in the application.
- 4a) Of the above claim(s) 4-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 16-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Art Unit: 2615

DETAILED ACTION

Response to Amendment

1. Acknowledgement is made of the amendment to claim 1. The claim objection is hereby withdrawn.

Response to Arguments

2. Applicant's arguments with respect to claims 1-3, 16-19 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 16, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tani et al, U.S. Patent 5,416,517, in view of the admitted prior art.

Regarding claim 1, Tani et al teaches an electronic camera (col. 1, line 20), comprising: an imaging device (CCD image pick-up device 11) which captures a sequence of images of an object and outputs image signals for said sequence of images at a rate defined by an imaging cycle of said imaging device, said imaging cycle defining a maximum exposure period for said imaging device (col. 16, lines 63-67). Tani et al teaches that an image is outputted at a cycle of

Art Unit: 2615

1/60 second (col. 16, lines 64-66). Tani et al also teaches that the shutter speed may be more than 1/60 second (col. 17, lines 27-31). It would have been obvious to one of ordinary skill that a changing device which changes the cycle of the imaging device would be used to accommodate the situation in which the shutter speed exceeds the default imaging cycle. Tani does not teach a display, nor does Tani teach that the image is displayed to a user can determine the image-capturing angle of view. The admitted prior art does teach a display (LCD), and also teaches that the electronic camera is capable of displaying a live image on the LCD so that the LCD can be used as a viewfinder to determine the image-capturing angle of view (page 1, lines 9-14). The controller that controls the display to display the image according to the image signals while the imaging device is capturing the live image is inherently taught. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the practice of changing the imaging cycle taught by Tani with the practice of displaying a live view taught by the admitted prior art to make an apparatus wherein the imaging device continually outputs an image signal to the display in the cycle and wherein the cycle may be changed. One of ordinary skill would have been motivated to make such a modification to detect how the image quality of a desired scene changes according to the varying exposure times.

Regarding claim 3, Tani teaches that the optimum shutter time is automatically calculated (col. 15, lines 49-52). It would have been obvious that the changing device would automatically change the cycle of the imaging device.

Regarding claim 16, Tani teaches a signal processor (MPU 14) for processing and temporarily storing image signals output by said imaging device (col. 36, lines 21-24).

Art Unit: 2615

Regarding claim 18, Tani teaches that the rate is a video rate (col. 16, lines 65-66). Tani teaches the calculation of an optimal shutter time (col. 15, lines 49-50). It would have been obvious that the changing device would change said video rate to enable said imaging device to output brighter images.

Regarding claim 19, Tani teaches that the imaging device includes a CCD (col. 14 line 1).

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tani et al, U.S. Patent 5,416,517, in view of the admitted prior art, and further in view of Udagawa, U.S. Patent 5,576,762.

Regarding claim 2, Tani in view of the admitted prior art teach the apparatus of claim 1. See above. Tani in view of the admitted prior art do not teach that the changing device is manually operated to change the cycle of the imaging device. Udagawa teaches that the changing device is manually operated to change the cycle of the imaging device (col. 3, lines 43-47). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the manually changeable device taught by Udagawa in the apparatus of Tani in view of the admitted prior art to make an imaging device whose imaging cycle can be both automatically or manually changed. One of ordinary skill would have been motivated to make such a modification to give the camera operator more control over the imaging process.

5. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tani et al, U.S. Patent 5,416,517, in view of the admitted prior art, and further in view of Udagawa, U.S. Patent 5,576,762.

Art Unit: 2615

Regarding claim 17, Tani in view of the admitted prior art teach the apparatus of claim 16. See above. Tani teaches a magnetic disk that stores images output by said imaging device (col. 15, lines 38-39). Tani in view of the admitted prior art do not teach a memory card for storing select images. The examiner takes official notice that it is well known in the art of digital camera to provide a memory card to record images. One of ordinary skill would have been motivated to substitute a memory card for the magnetic disk taught by Tani to enable the camera to captures more images on a single recording medium.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

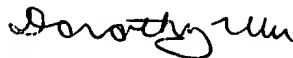
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2615

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dorothy Wu whose telephone number is 703-305-8412. The examiner can normally be reached on Monday-Friday, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DW
February 6, 2004



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